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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,790	05/26/2005	Oliver Lapp	E-HE-0039	2875

21495 7590 12/18/2006
CORNING CABLE SYSTEMS LLC
P O BOX 489
HICKORY, NC 28603

EXAMINER

DOAN, JENNIFER

ART UNIT	PAPER NUMBER
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2874

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/536,790

Applicant(s)

LAPP, OLIVER

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-35 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-35 and 37-40 is/are allowed.
- 6) ☒ Claim(s) 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's communication filed on October 4, 2006, has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendment made to the claims, are persuasive. However, in view of further study, Wambeke et al. (WO 00/65397) is found applicable to claims 41-44; therefore, a new rejection is set forth below. This action is **not** made final.

Specification

1. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wambeke et al. (WO 00/65397).

With respect to claims 41 and 44, Wambeke et al. (figures 2 and 3) disclose a device for storing and handling optical waveguides comprising a frame (12) and a plurality of splice cases (13) arranged one above the other on a front side and on a rear side of the frame (12) and pivotably fastened to the frame, wherein optical fibers (35) are guided by bodies of the splice cases (13) such that a direction of insertion of the optical fibers into a splice case runs approximately parallel to a pivoting axis of the respective splice case, and wherein the body of a respective splice case (13) is axially slit such that the optical fibers can be inserted into the body in the radial direction through an opening therein (see figures 2 and 3).

Wambeke et al. do not explicitly disclose the bodies of the splice cases are hollow-cylindrical.

However, the bodies of the splice cases being hollow-cylindrical are considered to be obvious, since it would have been an obvious matter of design choice to make the bodies of the splice cases in hollow-cylindrical shape. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bodies of the splice cases with the shape as claimed for the purpose of facilitating guiding the optical fibers in the splice cases to obtain higher efficiency optical signal transmission. It is noted that such a modification would have involved a mere change in the figure of a component. A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

With respect to claims 42 and 43, Wambeke et al. (figure 3) disclose the device, wherein guiding webs (39) are integrated in the splice cases (13) to prevent the optical fibers from falling out from the opening of the cylindrical axial body when the respective splice case is pivoted and the guiding webs are configured such that the optical fibers lie against an inner wall of the body opposite the opening (page 10, lines 31-32).

Allowable Subject Matter

4. Claims 23-35 and 37-40 are allowed.
5. The prior art of record fails to disclose or reasonably suggest a device for storing and handling optical waveguides comprising a frame and fiber guiding elements for optical fibers are provided on at least to one vertically running narrow side of the frame and wherein the fiber guiding elements generally extend in an outward direction relative to the frame in combination with the other limitations of claim 23.
6. Claims 24-31 depend from claim 23.
7. The prior art of record also fails to disclose or reasonably suggest a device for storing and handling optical waveguides comprising a frame and a drawer that is guided in the frame and can be pulled out in the horizontal direction from a first vertically running narrow side of the frame, the drawer being arranged in the pushed-in position between the splice cases arranged on the front side and the splice cases arranged on the rear side of the frame, the drawer configured for storing uncut multi fiber buffer tubes of optical fibers in combination with the other limitations of claim 32.

8. Claims 33-35 depend from claim 32.

9. The prior art of record also fails to disclose or reasonably suggest a device for storing and handling optical waveguides comprising a frame and the guiding channels are arranged such that at least three interlinked and overlapping circular guides are formed in each splice case in combination with the other limitations of claim 37.

10. Claims 38-40 depend from claim 37.

Response to Arguments

11. Applicant's arguments with respect to claims 23-35 and 37-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

December 5, 2006



JENNIFER DOAN
PRIMARY EXAMINER